

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

**SECURITIES AND EXCHANGE
COMMISSION,**

Plaintiff,

-against-

**ROBERT J. MUELLER, DEEPROOT FUNDS
LLC (a/k/a dprt Funds, LLC), AND POLICY
SERVICES INC.,**

Defendants,

-and-

**DEEPROOT TECH LLC, DEEPROOT
PINBALL LLC, DEEPROOT STUDIOS LLC,
DEEPROOT SPORTS & ENTERTAINMENT
LLC, AND DEEPROOT RE 12621 SILICON DR
LLC,**

Relief Defendants.

Civil Action No.: 5:21-cv-785-XR

ADVISORY REGARDING STATUS OF SETTLEMENT NEGOTIATIONS

Plaintiff, Securities and Exchange Commission (“SEC”), writes to advise the Court that Mr. Mueller’s counsel has represented to the SEC that “Mr. Mueller agrees to the Consent Order” but has not yet provided the SEC with an executed copy of the Consent.

At the May 28, 2024, status conference, the parties discussed the Consent the parties negotiated and Mr. Mueller’s reservations regarding the proposed Consent. The Court instructed the parties by June 10 to either file a consent or provide a statement that the parties could not agree. *See* May 28, 2024, Tr. at 25:10-15. On June 9, 2024, Jason Davis, counsel for Mr. Mueller, sent an email informing the SEC that Mr. Mueller agrees to the SEC’s proposed Consent and informing the SEC that because Mr. Davis would be in a trial on another matter, he may be delayed in

providing the SEC with an executed copy. Counsel for Mr. Mueller also proposed the parties confer later this week on a proposed briefing and hearing schedule for the remedies phase of the case.

Once the SEC receives an executed copy of the Consent, the SEC will inform the Court. The SEC remains prepared to bring this matter to trial if necessary.

The SEC shared a draft of this advisory with counsel for Mr. Mueller this afternoon but did not receive a response. The SEC understands that counsel for Mr. Mueller is participating in a trial and other proceedings today and may not have had an opportunity to review the draft prepared by the SEC. Nevertheless, the SEC felt it was important to file this advisory before the close of business given the Court's instructions to the parties during the May 28, 2024, status conference.

Dated: June 10, 2024

Respectfully submitted,

/s/ Charlie L. Divine

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*Counsel for Plaintiff Securities and Exchange
Commission*

CERTIFICATE OF SERVICE

I certify that on June 10, 2024, a true and correct copy of the foregoing document was filed electronically through the Court's CM/ECF system, which will send copies to all counsel of record.

/s/ Charlie L. Divine

Charlie L. Divine

*Counsel for Plaintiff United States Securities
and Exchange Commission*